

**Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)**

Meeting on October 27, 2003

Holiday Inn Capitol Plaza

300 J Street

Sacramento, CA 95814

**MEMBERS PRESENT :**

Ron Arias, Stella Aguinaga Bialous, Lourdes Baézconde-Garbanati, Theresa Boschert, Gregory Franklin, Susanne Hildebrand-Zanki, Kirk Kleinschmidt, Rod Lew, Dorothy Rice, and Deborah Sanchez

**MEMBERS ABSENT :**

Bruce Allen, Alan Henderson, and Cheryl Raney

**OTHERS IN ATTENDANCE:**

Dileep G. Bal, Chief, Cancer Control Branch, Department of Health Services (DHS)  
Bruce Baldwin, Butte County Office of Education  
Brian Blum, Media Unit, Tobacco Control Section (TCS), DHS  
Julie Bradley-Hart, The Center for Tobacco Policy and Organizing  
Shelly Brantley, American Lung Association (ALA)  
Sheri Coburn, San Joaquin County Office of Education (COE)  
Linda Fong, Asian and Pacific Islander Tobacco Education Network  
Mark Friedman, First 5 Association of California, Alameda County First 5 Commission  
Larry Gruder, Tobacco Related Disease Research Program (TRDRP), University of California (UC)  
Kristen Hansen, Next Generation California Tobacco Control Alliance  
Rich Heintz, Local Lead Agencies, Project Directors' Association  
Lisa Hunter, Health and Education Communication Consultants  
Jennifer Ibrahim, UC San Francisco  
Kathony Jerauld, Data Analysis and Evaluation Unit (DAEU), TCS, DHS  
Rae Kine, Safe and Healthy Kids Program Office (SHKPO), California Department of Education (CDE)  
Diane Kiser, ALA, Bar and Restaurant Employees Against Tobacco Hazards (BREATH)  
Paul Kneprath, ALA of California  
Paul Keye, Paul Keye and Partners  
John Lagomarsino, SHKPO, CDE  
Roberta Lawson, Local Programs Unit (LPU), TCS, DHS  
Mark LeBeau, American Indian Tobacco Education Network (AITEN), CA Indian Health Board  
Laurie Limas, El Dorado County Public Health  
Jon Lloyd, Chief, DAEU, TCS, DHS  
Peter Mackler, Director's Office, DHS  
Cindy Macklin, SHKPO, CDE  
Barbara Marquez, First 5 California Children and Families Commission  
Carolyn Martin, Consultant, ALA, BREATH, STAND  
Ken McCarthney, SHKPO, CDE  
Jamie Morgan, American Heart Association (AHA)  
Sharen Muraoka, American Cancer Society (ACS)

Tony Najera, Consultant, Director's Office, DHS  
Greg Oliva, Chief, Program Planning and Policy Development, TCS, DHS  
Cathy Palmer, Chief, Administrative and Contract Support Unit, TCS, DHS  
D. J. Peterson, SHKPO, CDE  
Theresa Renken, ACS  
April Roeseler, Chief, Local Programs and Evaluation, TCS, DHS  
Meredith Rolfe, Chief, SHKPO, CDE  
Bill Ruppert, TCS, DHS  
Raul Salazar, AITEN  
Marilyn Schuyler, Medi-Cal Managed Care, DHS  
Robin Shimizu, Assistant Chief, TCS, DHS  
Colleen Stevens, Chief, Media Campaign Unit, TCS, DHS  
Michael Tucker, California Department of Finance (DOF)  
Rhonda West-Peters, African American Tobacco Education Network  
Gregory Wolfe, SHKPO, CDE  
Gloria Wyeth, First 5 Association of California, Sierra County First 5 Commission

### **1. WELCOME, INTRODUCTIONS, AND OPENING COMMENTS**

The Chairperson, Kirk Kleinschmidt, called the meeting to order at 10:08 a.m. Each of the Committee members introduced themselves. Members of the audience also introduced themselves and identified their affiliations.

### **2. APPROVAL OF MINUTES, REVIEW OF CORRESPONDENCE, AND ANNOUNCEMENTS**

The minutes for the July 21, 2003, TEROC meeting were approved as written. The Chairperson pointed out and commented on the incoming correspondence in the meeting packet. The Chairperson suggested the Committee take some action at a later time regarding the Office of Patient Advocate and said the information from the Board of Equalization (BOE) regarding the Proposition (Prop) 10 backfill will be discussed under the budget agenda item.

The Chairman announced that he would be leaving employment with the American Heart Association but would continue to serve on TEROC.

### **3. ENVIRONMENTAL DEVELOPMENTS**

The Chairperson and members announced that:

- The court judgment concerning the Tobacco Industry (TI) lawsuit against California came out shortly after the last TEROC meeting in favor of the state and is now under appeal.
- The state budget was signed without any tobacco tax increase, despite the strong community and bipartisan support for it. TEROC and the tobacco control constituency continue to support and work for an increase of at least \$1.50 in cigarette taxes.
- The budget trailer bill made the state General Fund liable for the solvency of the Master Settlement Agreement (MSA) tobacco bonds. This is a huge step backwards in that it gives the state an ongoing financial interest in the health of the tobacco companies. People are looking into the legality of this action, but it seems too late to sue since the bonds are already being sold.

- A budget trailer bill also places a cap of \$150 million on the bond for appealing a civil liability lawsuit. This demonstrates the lengths that the California lawmakers will go to protect future TI payments established by the MSA. It shows that the battles with the TI are far from won.
- DHS/TCS's Evaluation Task Force (ETF) met on October 9 and 10, 2003, and discussed the questions submitted by TEROc regarding school-based tobacco education and prevention. The response from ETF will be discussed later in the meeting.
- The state now has a cigar-smoking governor who has made comments about what he calls excesses of the tobacco control movement in California.

#### **4. LEGISLATIVE UPDATE**

Ms. Theresa Renken from the ACS provided a handout concerning the status of the relevant tobacco-related legislative bills (see enclosed). Five bills were chaptered, and 11 are two-year bills that may be brought up in January 2004.

Members and others pointed out: the voluntary health agencies are working with Senator Ortiz to get a clean-up bill for Assembly Bill (AB) 71 to address their concerns about AB 71's lack of annual fees and the absence of meaningful public health provisions; Senate Bill (SB) 676 (Ortiz) would generate some funds to pay for tobacco-related illnesses and diseases; the chaptered bill, AB 846 (Vargas), will now extend the current prohibition from smoking within 5 feet of entryways to 20 feet at publicly owned or leased buildings including community colleges, California state universities, and UC campuses as of January 1, 2004; there will be legislation again next year to raise the minimum age for smoking to age 21; there was again movement at the federal level for regulation of tobacco products but this has fallen through; Senator Feinstein was pushing federal legislation to move class-action liability lawsuits from state courts to federal courts; this change would discourage class-action activity, and has been stopped for now; there has been activity at the local level related to licensing and smoke free areas.

Representatives of the voluntary health agencies spoke concerning priorities for the coming year. An increase in the tobacco tax is a major priority for all, as well as cleaning up the tobacco retail licensing law. They said that they are waiting to see whether the Budget Accountability Initiative will pass in March. This Initiative would allow a 55 percent majority to pass a state budget and thus increase chances for a tobacco tax increase. There was also mention of a tobacco tax initiative down the road.

#### **5. BUDGET UPDATE**

Mr. Michael Tucker from DOF reviewed the spreadsheet chart from the meeting packet displaying the budget act appropriation for Prop 99 funds (see enclosed). Mr. Tucker explained: 1) The revenue shown is \$10 million higher than the January figure, and reflects the Administration's estimate of tax revenue savings resulting from reductions in cigarette smuggling that AB 71 is expected to produce; 2) the \$800,000 for Dr. Franklin's staff that was missing from an earlier chart is now reflected on the new chart; 3), the new line item "Rural Health Grants" for \$1.047 million has been added to match federal funds; and 4) the amounts shown on the chart in parentheses are monies carried over from previous periods.

Mr. Tucker provided a response to the three items in the letter from TEROc to DOF. 1) The decision to use Research Account funds for the Cancer Registry looks like it will remain, at least for now. It is a political decision that this is an appropriate use of Proposition 99 Research

Account funds. When asked about use of the Cancer Registry data by TRDRP's research grantees, TRDRP responded that very few use the registry data. The \$4.7 million from the Research Account used for DHS state operations will be broken out in the January chart. 2) The issue of DHS Prop 99 funds being cut while CDE's are not being cut is under review. 3) The \$1.8 million reduction in TCS state operations made last year is still in the budget and it is unclear whether the new Administration will restore it.

In response to questions about the Prop 99 budget chart, Mr. Tucker conceded that the chart was not clear and said: DOF will improve its tracking of committed or obligated funds vs. new and available funds; the multi-year funding will be reflected in future budget charts; the differences between DOF figures and UC figures regarding spent funds and available funds are being discussed by the parties involved and will hopefully be reconciled very soon; consumption of tobacco products seems to be declining faster than anticipated and consequently revenues will probably be less than anticipated for the program; and the Prop 99 program is a highly visible one and decisions regarding it are made at the Governor's staff level.

Mr. Tucker said that DOF is interested in feedback and suggestions on how the fiscal charts can provide meaningful and useful information. Concern was expressed by DHS that the \$10 million budgeted for Prop 99 from AB 71 will not really be there during the 2003-04 budget year since the licensing program does not become effective until June 30, 2004. Mr. Tucker responded that the amount and timing was an Administration estimate, he expects it to change, and they will not have final figures until BOE meets in November.

## **6. FIRST 5 ASSOCIATION OF CALIFORNIA SURVEY OF PROP 10 TOBACCO EDUCATION EFFORTS**

Mr. Mark Friedman, Executive Director for the Alameda County First 5 Commission and President of the statewide First 5 California Children and Families Association (and Mayor of the City of El Cerrito), said that he is well aware (and reminds his colleagues) that the money for their services for children in the zero through five age group comes from tobacco tax and from the efforts of all those who have worked hard to make the tobacco tax a reality. He said Prop 10 requires that some of the approximately \$30 million in the First 5 California Children and Families Commission's media money targeted to households with pregnant women and newborns be used for tobacco prevention and cessation education messages.

Mr. Friedman briefly described the formation three years ago of the First 5 California Children and Families Association, which encompasses all 58 county First 5 Commissions. The Association does not award grants but rather plays an advocacy role. He explained that about a year ago the Association undertook an assessment of the anti-tobacco efforts of the First 5 Commissions in counties around the state. He provided copies of the results of this study entitled 2003 Tobacco Prevention and Cessation Assessment Report (see enclosed) and, in addition, provided the Committee with copies of the document First 5 Community Guide for Supporting Effective Tobacco Cessation Services. He said these materials are available on the Association website: [www.ccafa.org](http://www.ccafa.org).

Mr. Friedman stated that, while this was an assessment and not a scientific study, it did reveal that almost every county First 5 Commission has undertaken extensive work on tobacco education, and that some have put more money than others into this effort. He explained that the Alameda County Commission started working from the beginning with the ACS, ALA, and AHA, and put them into the First 5 Commission budget to integrate the voluntary agencies' work with the First

5's tobacco education services. In conjunction with its partners, the Alameda County First 5 Commission developed a comprehensive tobacco policy for all of its grantees. This policy included the provision that any applicant must not be taking money from the TI or if they do, must at least have a plan to divest any financial holdings that include tobacco investments, and must have a comprehensive tobacco policy for its buildings, grounds, vehicles, etc. Mr. Friedman said that many counties have a similar policy for grantees. He also stated that many county First 5 Commissions, including Alameda, have a program that sends out public health nurses into homes within 72 hours of a birth in a hospital. These nurses bring a message about nutrition education and about how dangerous tobacco smoke is to young children, specifically newborns. The First 5 program trains public health nurses to deliver the message.

Ms. Gloria Wyeth, who formerly was the Tobacco Education Coordinator for Plumas County and now is the Executive Director of the Sierra County First 5 Commission, explained that she worked with the First 5 California Children and Families Association and the UC Los Angeles Center for Health Improvement in the development of the document Community Guide for Supporting Effective Tobacco Cessation Services. She emphasized first that the First 5 Commissions and the Prop 99 programs must work closely together and not waste resources reinventing what has already been done; next, she said that Prop 10 monies should supplement, not supplant, Prop 99 monies in working to prevent second-hand smoke (SHS) in the homes with small children. She added that the First 5 Commissions are starting to work at the multi-county or regional level.

In response to questions, Mr. Friedman said: Ten counties now have policies prohibiting grantees from taking TI funding and 17 counties have divestment policies; the First 5 California Children and Families Commission's media campaign ads are in Spanish and several Asian languages; the members of the State Commission are appointed for four-year terms by the Governor, the Senate and the Assembly; and for county commissions that are not yet on board with tobacco control, the State Commission can provide incentives via the pots of money for extra projects, and the Association can increase educational efforts to the counties. Mr. Friedman added that the First 5 California Commission web site is: [www.ccfc.ca.gov](http://www.ccfc.ca.gov) and acknowledged Ms. Barbara Marquez in the audience. Ms. Marquez works with the First 5 California Children and Families Commission's statewide media campaign. In response to the Chairman, she agreed to provide TEROc with the proportion of the Commission's media budget dedicated to tobacco control messages.

A member of the audience expressed concern that currently there are no policies to protect children in child care homes and foster homes from SHS, and that the First 5 Commissions and the Association should play a key role in getting appropriate policies established. Mr. Friedman said he would put that on the agenda.

In response to a question from the Chairman as to how TEROc can impact the First 5 practices, Mr. Friedman suggested:

- Attending and presenting at the quarterly meetings of the California First 5 Commission
- Attending and presenting at the State Association meetings (next meeting is in Sacramento in December)
- Committee members becoming involved with the First 5 regionally and locally
- Sending a letter or resolution to the 58 counties asking for the adoption of policies

## **7. MEDI-CAL MANAGED CARE (MCMC) CESSATION**

Ms. Marilyn Schuyler from the State MCMC program provided copies of her slide presentation (enclosed). She said that 22 counties have transitioned into managed care and that most Medi-Cal beneficiaries (3,300,000) are in a managed care plan.

MCMC lacks utilization and cessation outcome data; therefore, Ms. Schuyler focused on MCMC smoking cessation service policies and benefits. She made the following points: tobacco cessation is a required benefit of MCMC, and is not optional; 39 out of 40 MCMC plans responded to a survey that they have some form of tobacco cessation program, and the majority reported that they deliver the services directly; the cessation benefits include pharmacotherapy, tobacco cessation programs, and point of service cessation counseling; the plans have required methods to identify smokers; the MCMC health assessment is administered in the doctor's office; and MCMC's focus is on quality assurance.

MCMC contracts with an independent agency to conduct the consumer assessment (Consumer Assessment of Health Plans Survey [CAHPS]) that includes some questions about smoking. Of interest, the 2001 CAHPS survey indicated that 52-62 percent of smokers (varied with plans) said they had been advised to quit smoking. This was a substantial increase from the 1999 CAHPS adult survey rate.

When asked if TCS participated in the development of the survey questions related to tobacco, Ms. Schuyler said not to date, but TCS can participate in the future. In response to another question, Ms. Schuyler explained that there is a link of payment with performance, but not yet in the area of tobacco cessation. She said there is movement overall in MCMC towards payment for performance, but there is still a need for greater information in the health plans to accomplish this, and cost is a major obstacle.

## **8. TOBACCO USE AMONG AMERICAN INDIANS**

In introducing the next speakers, the Chairman affirmed that TEROCC was in agreement on the traditional ceremonial use of tobacco by the American Indian tribes. Mr. Mark LeBeau and Mr. Raul Salazar spoke on behalf of AITEN. Mr. LeBeau said their purpose was to discuss the traditional tribal use of tobacco, tribal sovereignty, and the proposed TEROCC letter to the Governor regarding smoke-free casinos.

Mr. LeBeau said that many of the tribal communities have been in California for thousands of years, that they consider tobacco a gift given to them by their creator at the beginning of time, that traditional use of tobacco is a very sensitive cultural value, and that they believe native tobacco has healing qualities. In contrast, he said commercial tobacco is destructive of health. He described how AITEN is slowly and respectfully working with the tribal leaders of the gaming facilities to educate them on commercial tobacco issues and to move them towards smoke-free casinos.

Mr. LeBeau explained that there are about 107 recognized tribal governments in California and others that have not yet received the distinction of nationhood from the U.S. Government. He added that the relations of the federal and state governments toward the tribal governments have not always been positive, and that there is an issue of trust and suspicion to overcome. He said that the suggestion that a prohibition against smoking be negotiated into future tribal gaming compacts was disrespectful of the sovereignty of the tribes and would harm the work that AITEN

has so far accomplished. He stressed that telling the tribal nations what to do is like telling a neighboring state or another country what to do, that the tribal gaming facilities are fiscally driven to support the tribal community, and that it will take time to achieve smoke-free casinos for the benefit of the business and the good health of the workers and the players. He said smoke-free casinos can be achieved but it will take time. He inquired about the current status of TEROC's draft letter to the Governor. He said the letter would need to be revised to meet the needs of the Indian people, and added that a letter to the Governor will need a major educational piece considering statements and practices of the new Governor.

The committee members discussed the ad-hoc group's versions of the draft letter and agreed that the Committee must be sensitive to and acknowledge the sovereignty of the tribal nations. They also agreed that the Committee should encourage and support the efforts of AITEN because the Committee and AITEN clearly have the same goal. Without consensus, there was discussion of the option of smoke-free areas of casinos and the cost and effectiveness of ventilation systems. There was agreement that a letter to the Governor should contain a strong educational component, but there was disagreement about whether the letter should lay out directly a request that casinos become smoke-free workplaces as a condition of state compacts with the tribal nations. Mr. LeBeau inserted that there is a process in place to bring together the key stakeholders, including tribal leaders, TCS and others, to work on achieving the smoke-free goal. The Chairman stopped the discussion and asked the ad-hoc group to meet again to work on a strategy to achieve the Committee's goal.

## **9. PROGRAM REPORTS BY AGENCIES**

(Each agency sends a written report to TEROC prior to the meeting and responds to questions at the meeting.)

### **9a. DHS/TCS Report**

DHS asked if there were any questions regarding its report to TEROC. There was a question from a Committee member related to Master Plan Objective 3 on how DHS is assuring that priority populations are systematically supported. DHS responded that this could be an agenda item for a future meeting, and that, while this is a zero sum game and resources have declined greatly, TCS has had a historical commitment to allocating categorical funds to priority populations and has selectively protected funding for priority populations, even when funding for the media program was cut in half and other cuts were required.

DHS gave a brief report on the ETF meeting held on October 9 and 10, 2003:

- Evaluation budget issues and alternative evaluation strategies with a reduced budget were discussed.
- The new user-friendly C-STATS website was presented, and ETF members discussed it as a model for use by other states.
- ETF discussed some methodological issues, including response rates.
- The preliminary adult and youth results of the most recent California Tobacco Survey were presented and discussed.
- The 2001 in-school evaluation report was presented.
- ETF reviewed and discussed the questions from TEROC concerning the evaluation of the Tobacco Use Prevention Education (TUPE) program; subsequently, Dr. Michael Cummings summarized ETF comments and recommendations in a letter to TEROC (enclosed).

- ETF reaffirmed the importance of TCS having a strong, competent in-house research staff and the importance of maintaining it despite budget cuts.

Dr. Dorothy Rice, a member of both ETF and TERO, explained that ETF saw the full list and the consolidated version of the questions raised by TERO concerning the in-school evaluation. She said that ETF gave as much time and attention as it could afford to TERO's concerns, and she felt the letter from Dr. Cummings very adequately presented the results of the ETF discussion. She stated that ETF continues to hold that one cannot tease out which individual component of the program is responsible for the outcomes, and that ETF is concerned about the multiple in-school surveys.

DHS stated that CDE's unexpected attack on TCS at the ETF meeting regarding the in-school evaluation does require a written response from TCS. DHS pointed out from Dr. Cummings' letter that ETF supports the integrity of the in-school evaluation, that the effectiveness of school-based programs is a major concern of ETF, that outcomes for both teachers and students were not what would be expected, and that ETF recommends that TERO participate in setting measures for effective in-school programs. DHS added that it is unfortunate that CDE does not have the necessary staff to do the job. CDE responded that state law determines the number of staff, and stated that ETF members may not know about the various research that exists concerning the effectiveness of school-based programs or about the other science-based curricula available. DHS stated that for a number of reasons, including having a new Governor and new Administration, it is incumbent upon both DHS and CDE not to attack one another, but rather to work cooperatively together to achieve their common goal.

The Chairman asked if there are any major changes in the evaluation. DHS responded that it is revisiting the overall in-school evaluation, going to sit down with CDE to get a statement of purpose as to what CDE is trying to accomplish in the program, and reviewing theoretical assumptions and evaluation approaches. A member of the audience pointed out that Dr. Cummings' letter clearly states that the emphasis should be more on policy in times of reduced resources and suggested that schools should put programmatic emphasis on policy change.

DHS gave a brief update on the media campaign. DHS said that even during the lawsuit, several high quality ads have been rushed through the approval system. DHS said that there has been strong support for the ads by DHS and the Administration, and that there are focus groups going on at this time, including some to explore where the media should go next. DHS then played new television and radio ads for the Committee. The Chairman thanked DHS and the Administration for the work of the past few months in moving the ads through development and approval.

#### **9b. CDE, SHKPO Report**

CDE reviewed the items from their report to TERO. These included the tobacco use cessation study in collaboration with TRDRP; the assessment of tobacco-free policies in local schools; the TUPE research cost analysis; and the preliminary finding that most school districts cannot implement all of the Centers for Disease Control and Prevention (CDC) guidelines on \$4 per student and that it is, therefore, necessary to prioritize CDC recommendations. Continuing from their report to TERO, CDE said they have an action plan: to obtain district and school top-level administrative support for TUPE, to improve teacher training, to continue allocation of funds to middle schools, to evaluate all TUPE



allocation mechanisms, and to increase local level collaboration of local education agencies and county offices of education with the Local Lead Agencies. CDE added that they plan to have their American Indian Centers coordinate with AITEN.

The Chairman referenced the minutes of the September 22, 2003, collaboration meeting of CDE, TCS, and TRDRP and noted that the next meeting is scheduled for March 9, 2004.

#### **9c. UC, TRDRP Report**

TRDRP highlighted some items in their report to TERO. Regarding the recent Priority Population Workshop, TRDRP said that they were proud to have co-sponsored it, that it was very well attended, and that the researchers hosted round tables and were very pleased with the outcome. They pointed out that their Annual Investigator Meeting will take place on December 3 and 4, 2003, in San Diego, and urged people to participate in this meeting. The 2003-04 research grant award cycle is underway and applications are due January 15, 2004, for a total of approximately \$22 million. Approximately 25 persons attended each of the three information meetings around the state and there were few questions. TRDRP expects that in future years the amount for grants will be somewhat less than this year. At the present time there is no hiring freeze or fear of losing positions at TRDRP; they now have a full complement of staff; and they are still in the process of recruiting for the position of TRDRP Director and do not know at this time when the position will be filled.

### **10. PUBLIC QUESTIONS AND COMMENTS**

Ms. Carolyn Martin, with the ALA and BREATH program, requested the record to show that some one had misquoted or misinterpreted her in the minutes of the last meeting. She said her letter to TERO did not say or intend that money should be taken away from the schools component, rather her concern was that when budget cuts were made last year they were not made equally across the board to DHS and CDE and that there was no indication that there was any research-based reason for that decision. She said her second concern was that it is very obvious that revenue is declining and when that happens we have to look at research and at opportunities for collaboration and to work closely together for continued success in California. She added that in the CDE report at this meeting it was the first time in 12 years that she has heard that we need to work together at the local level for success with the decreased amounts of money.

D.J. Peterson, a consultant with CDE, related to the Committee some of the quarterly data from some schools and school districts showing significant drops in smoking levels in some grades and he asked if this information is of interest to the Committee. Committee members said the information could be part of CDE's written report to TERO, perhaps on a quarterly basis, and perhaps compared with data or trends from other sources. CDE added that some people say they are not doing evaluation and that this is part of their evaluation.

Sherri Coburn, San Joaquin County Office of Education, said with the signing of SB 71 the law now allows passive consent from parents for participation in health surveys, and, therefore, surveys should have better response rates. She added that she recommends only one tobacco-related survey in schools.

Diane Kiser, with the ALA and BREATH program, thanked Deborah Sanchez, Rod Lew, and other members of the ad-hoc group for clarifying and bringing understanding to the sovereignty issue of

the American Indian tribal nations. She said the program needs to be respectful of the tribal nations' sovereignty in pursuing smoke-free workplaces.

## **11. TEROC MEMBERS DISCUSSION**

The Chairman raised four questions for the Committee to consider:

- Should TEROC request an Attorney General's (AG) opinion concerning the state statute provision on evaluation of the school-based tobacco education program? After discussion, there seemed to be a consensus on the issues of whether California law 1) requires schools that receive Prop 99 funding to participate in the DHS evaluation of in-school programs, and 2) whether it authorizes CDE to withhold Prop 99 funding from schools that refuse to participate in TCS statutorily mandated evaluation surveys. It was moved and carried that TEROC send a request for an AG's legal opinion.
- Should TEROC take any action concerning the terms of the members that are due to expire on January 1, 2004? Various strategies were discussed. Concern was expressed that there may be a need to be proactive lest persons with no background in tobacco control be appointed, that some action concerning the appointments by the Legislature may be appropriate, and that perhaps the voluntary agencies may make recommendations to the appointing authorities. However, it was agreed that TEROC would take no official action on this matter at this time.
- Should TEROC produce a year-one progress report to the Master Plan? Members said a one-year report would be primarily for internal purposes and a two- or three-year progress report would work for external use. No support was expressed for a year-one Master Plan progress report by TEROC.
- Should the current format for the reports by the agencies be continued? Some liked the new format and others thought it is too limiting and, as a result, perhaps TEROC is missing information it needs to hear. It was agreed to continue the present format and to have agencies include only new information under the Master Plan Objectives in their reports.

## **NEXT MEETING DATES:**

January 20, 2004, 10 a.m. to 5 p.m., Sacramento, Regular Meeting

April 12, 2004, 10 a.m. to 5 p.m., Sacramento, Regular Meeting

June 1, 2004, 10 a.m. to 5 p.m., Sacramento, Regular Meeting

**The meeting was adjourned at 4:30 p.m.**

## **ACTION ITEMS**

1. TEROC to send a letter to the AG requesting a legal opinion on whether state law authorizes CDE to withhold Prop 99 funding from schools that refuse to participate in the statutorily mandated, TCS-administered evaluation of the school-based TUPE program.
2. TEROC to place implementation of the Master Plan Objective 3 on the January 20, 2004, meeting agenda.

3. The ad-hoc group of TEROC shall meet to further develop the letter to the Governor regarding achieving smoke-free worksites in casinos in California.
4. Michael Tucker, DOF, agreed to report at the January meeting on the \$4.7 million Research Account funds administered by DHS.
5. Barbara Marquez, of the First 5 California Children and Families Commission's media campaign, agreed to provide TEROC with the tobacco portion of their media buy.

#### **ENCLOSURES**

1. Copy of the list of tobacco related legislative bills from ACS.
2. Copy of the DOF's chart of the fiscal year 2003-04 Budget Act appropriation of the Prop 99 funds.
3. Copy of the slides from the presentation by the DHS MCMC program.
4. Copy of Michael Cummings letter from ETF to TEROC.

KJ:nmb

G:\TCS\TEROC\Mtg Minutes\2004\TEROC minutes 10-27-03.doc